

In the
Indiana Supreme Court



In the Matter of

Morgan County Petition

for Emergency Relief

Supreme Court Case No.

LOWER COURT CASE NUMBER:

55001-0801-MI-1

PETITION OF THE TRIAL COURTS OF MORGAN COUNTY

PURSUANT TO ADMINISTRATIVE RULE 17

FOR RELIEF DUE TO EMERGENCY CAUSED BY NATURAL DISASTER

Come now the judges of the Morgan Circuit and Superior Courts, file this petition on behalf of the courts and the Clerk of the Morgan Circuit Court, and state as follows:

On January 29, 2008, a severe storm caused extensive physical damage to the Morgan County Courthouse, which houses the offices of the Morgan Circuit and Superior Courts and the Clerk of the Morgan Circuit Court. As a result, the judges, clerk and their respective staffs are unable to perform the duties of their offices in the assigned locations and will not be able to do so until alternate housing is secured and/or repairs are made to the existing facilities. A possibility exists that some limited operations may be able to continue in the clerk's office and that one of the courtrooms may be usable in a limited fashion. To the extent possible, petitioners will maintain these limited operations. This circumstance will also adversely affect litigants, the bar and public who are facing deadlines pursuant to statutes, rules and court orders, and judgments.

The judges of the Morgan Circuit and Superior Courts have convened en banc and have determined that, pursuant to Administrative Rule 17, they should seek emergency relief. Accordingly, petitioners respectfully request that the Supreme Court enter an order of emergency relief which relief will be in place until not later than Monday, February 11, 2008. Thereafter, petitioners will review the status of court and clerk operations and may seek additional time if circumstances so warrant.

More specifically, petitioners respectfully request:

1. That the Supreme Court authorize the tolling, from 12 am January 30, 2008 until 12 am, February 11, 2008, of all laws, rules and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, mental health, and appellate matters; all judgments, support and other orders; and in all other civil and criminal matters before the Morgan Circuit and Superior Courts. In addition, we request that the order tolling such time limits provide that no interest may be charged for delay in payment due to this tolled period of time.
2. That the Supreme Court authorize petitioners to move the courts' and clerk's location to another appropriate facility in order to continue the orderly administration of justice. The petitioners shall provide to the Supreme Court the address and location of such facility by no later than February 11, 2008.
3. That the Supreme Court authorize each of the judges of the Morgan Circuit and Superior Courts to exercise general jurisdiction over any and all cases in each other's courts in order to assure the continued orderly administration of justice.
4. That the Supreme Court authorize the closing of the Clerk's office and the courts starting today, January 30, 2008, and until 12 am February 11, 2008. As indicated

before, there is a possibility for one of the courtrooms to be accessible for limited emergency purposes and, to the extent that it is, the petitioners will keep it open in order to process emergency matters.

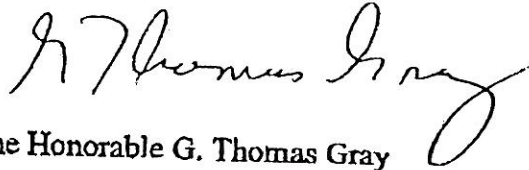
Petitioners further state that they will communicate with the Morgan County Bar and are and will be available to deal with emergency and other pressing matters.

01-2 Accordingly, petitioners respectfully request that the Indiana Supreme Court find that an emergency exists which impeded the orderly operation of the courts and Clerk's office in Morgan County and grant the requested relief under the authority of Ind. Admin. R. 17.

Signed this thirtieth (30th) day of January, 2008.

For the Morgan Circuit and Superior courts and

For the Clerk of the Morgan Circuit Court

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The Honorable G. Thomas Gray